

Lugar	Roberts	Snowe
Mack	Rockefeller	Specter
McConnell	Roth	Thomas
Mikulski	Santorum	Thompson
Murkowski	Sarbanes	Thurmond
Murray	Schumer	Torricelli
Nickles	Sessions	Voinovich
Reed	Shelby	Warner
Reid	Smith (NH)	Wellstone
Robb	Smith (OR)	Wyden

NOT VOTING—7

Bunning	Hatch	Stevens
Gramm	McCain	
Harkin	Moinihan	

The resolution (S. Res. 33) was agreed to.

The preamble was agreed to.
The resolution (S. Res. 33), with its preamble, reads as follows:

S. RES. 33

Whereas the freedom and security that United States citizens enjoy today are results of the vigilant commitment of the United States Armed Forces in preserving the freedom and security;

Whereas it is appropriate to promote national awareness of the sacrifices that members of the United States Armed Forces have made in the past and continue to make every day in order to support the Constitution and to preserve the freedoms and liberties that enrich the Nation;

Whereas it is important to preserve and foster the honor and respect that the United States Armed Forces deserve for vital service on behalf of the United States;

Whereas it is appropriate to emphasize the importance of the United States Armed Forces to all persons in the United States;

Whereas it is important to instill in the youth in the United States the significance of the contributions that members of the United States Armed Forces have made in securing and protecting the freedoms that United States citizens enjoy today;

Whereas it is appropriate to underscore the vital support and encouragement that families of members of the United States Armed Forces lend to the strength and commitment of those members;

Whereas it is important to inspire greater love for the United States and encourage greater support for the role of the United States Armed Forces in maintaining the superiority of the United States as a nation and in contributing to world peace;

Whereas it is appropriate to recognize the importance of maintaining a strong, equipped, well-educated, well-trained military for the United States to safeguard freedoms, humanitarianism, and peacekeeping efforts around the world;

Whereas it is important to give greater recognition for the dedication and sacrifices that individuals who serve in the United States Armed Forces have made and continue to make on behalf of the United States;

Whereas it is appropriate to display the proper honor and pride United States citizens feel towards members of the United States Armed Forces for their service;

Whereas it is important to reflect upon the sacrifices made by members of the United States Armed Forces and to show appreciation for such service;

Whereas it is appropriate to recognize, honor, and encourage the dedication and commitment of members of the United States Armed Forces in serving the United States; and

Whereas it is important to acknowledge the contributions of the many individuals who have served in the United States Armed Forces since inception of the Armed Forces:
Now, therefore, be it

Resolved, That the Senate—

(1) designates May 1999 as "National Military Appreciation Month"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to recognize and honor the dedication and commitment of the members of the United States Armed Forces and to observe the month with appropriate ceremonies and activities.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from South Carolina.

MORNING BUSINESS

Mr. THURMOND. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators to speak for up to 10 minutes each. I further ask unanimous consent that the following Senators be recognized to speak: Senator MCCONNELL, Senator DORGAN, and Senator CONRAD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I thank the Chair. (The remarks of Mr. MCCONNELL, Mr. CONRAD, and Mr. DORGAN pertaining to the introduction of S. 931 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

NATIONAL MILITARY APPRECIATION MONTH

Ms. COLLINS. Mr. President, I am proud to be a cosponsor of the resolution that the Senate just unanimously approved to designate May as the National Military Appreciation Month.

With troops in harm's way in Bosnia, in Serbia, in Haiti and the Persian Gulf, it is difficult to conceive of a more appropriate time for the Senate to have clearly put itself on record as supporting our brave men and women in uniform.

Regardless of how we may feel about these individual deployments, it is important that the American people send an unmistakable signal to our troops that we salute their bravery, their patriotism, their courage and their unparalleled skill as they carry out dangerous missions throughout the world.

I am proud to support our troops 100 percent, as they carry out their missions and the will of the Commander in Chief.

Mr. President, let us all join together today and every day to remember our troops throughout the world.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

The Senate is in morning business and Senators are granted permission to speak up to 10 minutes on a Friday afternoon.

The Senator is recognized.

Mr. SPECTER. Mr. President, I ask unanimous consent that I be permitted to speak for up to 20 minutes in morning business, notwithstanding the afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPLOYMENT OF U.S. ARMED FORCES IN KOSOVO

Mr. SPECTER. Mr. President, on Monday, in the afternoon, the distinguished majority leader has scheduled a vote, so far denominated as a tabling motion on the pending S.J. Res. 20, concerning the deployment of United States Armed Forces in the Kosovo region of the Federal Republic of Yugoslavia.

Since Monday afternoon is likely to be crowded with debate on this subject and there is free time in the Senate Chamber today, I have decided to speak about this issue because I believe it is a matter of overwhelming importance for the United States, for NATO, for Europe and, for that matter, for the world.

The resolution provides in a short statement worth reading in its entirety:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that the President is authorized to use all necessary force and other means, in concert with United States allies, to accomplish United States and North Atlantic Treaty Organization objectives in the Federal Republic of Yugoslavia (Serbia and Montenegro).

Mr. President, I am strongly opposed to this resolution because it gives a total blank check to the President to involve the United States in any type of military action which he deems appropriate when it is the Congress of the United States that has the sole authority under the Constitution to declare war. In my view, the Congress ought not to give such a blank check, but instead ought to ask the President to come before the Congress, specifying what the President seeks to accomplish and what the means are for accomplishing that objective.

I supported the resolution for airstrikes with a specific limitation that there would not be a deployment of ground forces. We have a great many very, very important questions, the answers to which ought to be provided, in my judgment, by the executive branch, by the President, to the Congress before the Congress exercises its authority to, in effect, declare war.

Bear in mind at the outset, that the President has asked for no such authority, and that is a very important point and a threshold matter. But

these are some of the questions which ought to be examined. I know that the distinguished Presiding Officer, Senator ROBERTS from Kansas, who is on the Armed Services Committee, has participated in offering legislation which conditions funding and conditions congressional authority on a number of similar issues.

These questions are of such vital importance that they bear repetition and they bear analysis and understanding by the American people, at least the relatively few who are watching on C-SPAN2 today. But these are monumental matters. These are some of the issues which I think have to be answered before the Congress is in a position to decide what authorization is to be given to the President:

First, to what extent have the forces of the Federal Republic of Yugoslavia been degraded by the air attacks?

Second, what would the projected resistance be of the armed forces of the Federal Republic of Yugoslavia?

Third, what is the President's plan? So far we do not know what the President would like to do. There is not agreement among the alliance. The President has stated that he wishes to proceed with the support of the alliance, just as he has had the support of the alliance up to date.

Once we know what the plan is, the fourth question would be, what resources are necessary to implement a specific plan?

Fifth, what would the risks be to U.S. military personnel in carrying out the plan?

Next, what contributions would be made by others of the alliance?

And an additional question: What other pressures are available to use against the forces of President Milosevic, such as the pressure of the War Crimes Tribunal?

These are all vital questions which ought to be answered before the Congress of the United States plunges into this field precipitously, without a request by the President, without a request by NATO, without any plan for us to consider on issues which can be answered only by the President of the United States.

What we are being asked for on this resolution is a blank check, and it is really an unusual form of a blank check because the check is not only blank as to amount, but the check is also blank as to the identity of the payee; that is, who receives the funds.

A check has a number of ingredients. There is the party who writes the check. That would be the Congress of the United States in the case of this resolution. A check has the identification of the party who receives the check, the payee. And the check has the amount of the check. And this check is blank in both material aspects. What is the amount of the check and who is to receive the check?

I think the Congress of the United States would be most unwise to enact such a resolution on the state of the

record which exists at the present time.

What we have in Kosovo, what we have with NATO, what we have in our military action against the Republic of Yugoslavia is really a constitutional crisis. It is a constitutional crisis of major import, if anybody would pay attention to the Constitution. Only by ignoring the Constitution are we able to ignore the constitutional crisis.

But the Constitution is explicit that only the Congress of the United States has the authority to declare war. Only the Congress of the United States has the power, responsibility and authority to engage the U.S. Armed Forces in war. But what we have going on at the present time in Kosovo against the Federal Republic of Yugoslavia is a war.

The military actions there are clear-cut acts of war. We have this war in process without the authority of the Congress of the United States.

As of Wednesday of this week, we have the war in process with a specific action of the House of Representatives in rejecting the use of airstrikes by a tie vote of 213-213.

It is true that the Senate authorized the use of airstrikes with the reservation against ground forces by a vote of 58-41. But we have, as we all know, a bicameral legislature. You cannot have a declaration of war by the Senate. You could only have a declaration of war by the Congress; and that means joint action of the Senate and the House of Representatives.

And now we have the House of Representatives rejecting the President's authority to conduct air operations by a vote of 213-213. And that is as forceful a rejection as had it been 426-0. Unless it passes, albeit by as little as a single vote, it is a rejection.

The House of Representatives had a curious legislative day on Wednesday, April 28, taking up a series of resolutions by Congressman TOM CAMPBELL of California. And I compliment Congressman CAMPBELL for bringing the issues to a head—or trying to bring the issues to a head.

The House of Representatives rejected a resolution calling for a state of war by a vote of 2 in favor, 427 against.

The House of Representatives then voted on a resolution directing the President, under the War Powers Resolution, to withdraw troops from the operation against the Federal Republic of Yugoslavia. That, too, was rejected by a vote of 139-290.

Then there was the resolution authorizing the President to conduct air operations similar to the one passed by the Senate on March 23. As previously noted, that was rejected 213-213.

Then, the House passed a resolution 249-180, placing limitations on the funding of the President to use ground troops in Federal Republic of Yugoslavia without prior congressional authority.

When we read through the War Powers Act, the legislation which was

passed to try to limit the erosion of Congress' authority to declare war with the taking on of that authority by the President under his constitutional powers as Commander in Chief, the provisions of 5c specify that "at any time the United States Armed Forces are engaged in hostilities outside the territory of the United States, its possessions and territories, without a declaration of war or specific statutory authorization, such forces shall be removed by the President if a Congress so directs by concurrent resolution."

So here we have the anomalous situation that the House turns down a declaration of war, the House turns down the use of airstrikes, the Senate has authorized airstrikes with the reservation prohibiting the use of ground forces, and you do not have the Congress—even the House—directing the withdrawal of forces. So it is a quagmire, to say the least.

And it is a constitutional confrontation and a constitutional crisis to identify it squarely, when you have the Constitution requiring action by the Congress to declare war to involve the United States in war, and you have one House of the Congress, the House of Representatives, failing to authorize the airstrikes which are currently underway.

The resolution which is going to be voted on on Monday, Mr. President, bears a striking similarity to the infamous Gulf of Tonkin Resolution, which was used to justify United States participation in the Vietnam war without a declaration of war.

Section 2 of the Gulf of Tonkin Resolution provides as follows:

"... The United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

And note with particularity the language "to take all necessary steps, including the use of armed force" from the Gulf of Tonkin resolution compared to the resolution to be voted on on Monday that the President is "authorized to use all necessary force and other means." These are blank checks which are not in the interest of the United States, but these checks ought to be very carefully considered, and ought to be very carefully written before the United States is engaged in war with the authorization of the Congress of the United States.

The President has, to his credit, held a series of meetings with Members of Congress, going really beyond notification and really beyond what is customarily regarded as consultation in seeking opinions of Members of the Senate and the House of Representatives. In one of these meetings, the President raised the issue of collateral activities, beyond or in addition to the use of military force, and made a specific reference to the War Crimes Tribunal. We have had President Milosevic denominated as early as the end of 1992, by

then-Secretary of State Eagleburger, as, in effect, being a war criminal.

We know that the War Crimes Tribunal has successfully completed prosecutions arising out of the incidents in Bosnia. There has been a very noteworthy plea of guilty and a life sentence for the Prime Minister of Rwanda for the genocide which occurred there, a guilty plea, a conviction, and a life sentence—the life sentence now being under appeal—of enormous importance, although hardly noticed by the press in the United States or the press in Europe. Somehow a matter of genocide or a matter of a conviction or a matter of a prosecution of a war criminal in Rwanda is of lesser status. It should not be, but that happens to be the practical fact of life.

This morning there was a bipartisan meeting with Justice Louise Arbour, the chief prosecutor in the War Crimes Tribunal. Justice Arbour made a strong point of seeking support for the arrest of Karadzic, who is under indictment for war crimes in Bosnia, and for seeking an arrest for others in cases where there are sealed indictments arising from war crimes in Bosnia.

Justice Arbour described the number of these cases, by the reference that there are only a handful, but she made the point—and I think it is a very valid point—that IFOR should proceed to arrest those individuals—even those under sealed indictment who have been identified to the military forces now in Bosnia, and Karadzic is an especially prominent war criminal under indictment, where the indictment has been outstanding for some 4 years. Not only has Karadzic thumbed his nose at the War Crimes Tribunal, but the reality is that the IFOR troops who have a responsibility to execute those warrants have, in effect, similarly thumbed their nose at the War Crimes Tribunal. The military commanders on the scene have been heard to say that they could make these arrests, that they could make the arrest of Karadzic who is, according to reportedly reliable information, in the French quarter. A real question arises as to the willingness of the French to cooperate in the arrest of Karadzic, but this is something which could be accomplished.

Justice Arbour makes the point, and I think with great validity, that it would send a very strong message and have a chilling effect on the military and political leaders under Milosevic, if they saw that the War Crimes Tribunal had the skill to acquire evidence to bring forth indictments and then to follow with convictions; and, if the NATO and the IFOR forces had the political courage to execute those warrants of arrest by taking those indictees into custody. This would be a very, very strong deterrent to the continuation of the criminal activity by the Serbian forces and by the forces of the Federal Republic of Yugoslavia.

The War Crimes Tribunal has done its job. Now it is a matter of courage, the political courage and the military

courage to serve those warrants of arrest and take those individuals into custody.

By way of a footnote, Justice Arbour outlined the need for some \$18 million in funding. The entire War Crimes Tribunal has only 17 investigators, an amazingly small number, to carry out the sort of work which has to be undertaken. For example, investigating overhead satellites intelligence which is telling something about the mass grave sites. This funding is something which will be coming before the Appropriations Committee next week, soon before the full Senate, and then the Congress. And at least judging from the reaction of the Senators who were present at the meeting today with Justice Arbour, there will be a favorable response. Certainly \$18 million for the War Crimes Tribunal and an additional \$2 million for extra State Department officials and extra help from the Central Intelligence Agency is a very small amount of the \$6 billion requested by the President and the additions which have been made by the House of Representatives.

Mr. President, in conclusion—the two most popular words of any speech—I urge my colleagues to focus with great care on this resolution. I have a strong sense that it won't be possible to make extended remarks on Monday, when a vote grows nearer. The number of Senators will increase, from the presiding Senator and the one Senator on the floor making a speech, to a fair number of Senators who will be seeking recognition. When we had the resolution authorizing the use of force with the airstrikes, there was a limited time agreement. Speakers were limited to 2 minutes in the final stage of that debate before the vote, not too much time to express a Senatorial judgment on an important issue, but more time than many of us were accorded later when the time was so limited that we couldn't even speak. So seeing an empty Chamber, and in attendance an attentive Presiding Officer, I thought I would take this opportunity to speak at some length on this important subject.

I thank the Chair for his attention. The Chair is customarily in attendance, infrequently at attention.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DRAFT RESOLUTION ON YUGOSLAVIA

Mr. LOTT. Mr. President, for the information of all Senators, I am including in the RECORD today a draft Senate Joint Resolution setting forth requirements that must be met before the United States Armed Forces may be deployed in or adjacent to the Federal Republic of Yugoslavia (Serbia and Montenegro) to conduct offensive ground operations. This draft resolu-

tion has been the subject of discussion among numerous Senators, as a possible compromise measure on the subject of Kosovo. My discussions with Senator DASCHLE and other Senators, from both parties, continue in an effort to determine whether bipartisan agreement can be reached on the timing and substance of a Kosovo debate here in the Senate. I commend the attached resolution to the attention of my colleagues. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Whereas the United States and its allies in the North Atlantic Treaty Organization (NATO) are conducting offensive air combat operations against the Federal Republic of Yugoslavia (Serbia and Montenegro);

Whereas the Federal Republic of Yugoslavia (Serbia and Montenegro) has refused to comply with NATO demands that it withdraw its military, paramilitary, and security forces from the province of Kosovo, permit the return of ethnic Albanian refugees to their homes, and permit the establishment of an international peacekeeping force in Kosovo;

Whereas the men and women of the Armed Forces of the United States have performed their mission with the utmost professionalism, dedication, and patriotism; and

Whereas the President has not proposed the deployment of the Armed Forces of the United States in or adjacent to the Federal Republic of Yugoslavia (Serbia and Montenegro) for the purpose of conducting offensive ground operations: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REQUIREMENTS BEFORE DEPLOYMENT OF THE ARMED FORCES OF THE UNITED STATES IN YUGOSLAVIA FOR THE PURPOSE OF CONDUCTING OFFENSIVE GROUND OPERATIONS.

(a) IN GENERAL.—Except as provided in subsection (c), none of the funds available to the Department of Defense (including funds appropriated for fiscal year 1999 or any prior fiscal year) may be used to deploy the Armed Forces of the United States in or adjacent to the Federal Republic of Yugoslavia (Serbia and Montenegro) for the purpose of conducting offensive ground operations unless and until—

(1) the President submits a written request to the Speaker of the House of Representatives and the President pro tempore of the Senate—

(A) seeking specific statutory authorization for any such deployment or a declaration of war against the Federal Republic of Yugoslavia (Serbia and Montenegro); and

(B) containing the information described in subsection (b) regarding the deployment; and

(2) Congress enacts specific statutory authorization for any such deployment or a declaration of war against the Federal Republic of Yugoslavia (Serbia and Montenegro).

(b) REQUEST ELEMENTS.—In addition to the request described in subsection (a)(1)(A), the written request required by subsection (a) shall set forth—

(1) the national security interests of the United States at stake that warrant the deployment;

(2) the political and military objectives of the deployment;

(3) in general terms the military forces and other means by which the President proposes to attain the objectives specified in paragraph (2);